



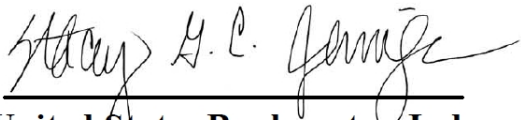
CLERK, U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS

ENTERED

THE DATE OF ENTRY IS ON
THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed February 17, 2023


United States Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re:	§	Case No. 18-30264-SGJ-11
	§	Case No. 18-30265-SGJ-11
ACIS CAPITAL MANAGEMENT, L.P.,	§	
ACIS CAPITAL MANAGEMENT GP,	§	(Jointly Administered Under Case
LLC,	§	No. 18-30264-SGJ-11)
	§	
Debtors.	§	Chapter 11

ACIS CAPITAL MANAGEMENT, L.P.,	§	
ACIS CAPITAL MANAGEMENT GP,	§	
LLC, Reorganized Debtors,	§	
	§	Adversary No. 20-03060-SGJ
Plaintiffs,	§	
	§	
vs.	§	
	§	
JAMES DONDERO, FRANK	§	
WATERHOUSE, SCOTT ELLINGTON,	§	
HUNTER COVITZ, ISAAC LEVENTON,	§	
JEAN PAUL SEVILLA, THOMAS	§	
SURGENT, GRANT SCOTT, HEATHER	§	
BESTWICK, WILLIAM SCOTT, AND	§	
CLO HOLDCO, LTD.,	§	
Defendants.	§	

**ORDER GRANTING IN PART AND DENYING IN PART ACIS'
MOTION TO COMPEL COMPLIANCE WITH SUBPOENA**

Upon consideration of (a) *Acis' Motion to Compel Compliance with Subpoena*, and all documents submitted in support thereof (the "Motion") [Docket Nos. 89 and 90], with respect to the Amended Subpoena (the "Subpoena") served by the Plaintiffs (together, "Acis") in the above-referenced adversary proceeding (the "Adversary Proceeding") on Highland Capital Management, L.P. ("Highland" and together with Acis, the "Parties") [see Docket No. 90-2 (Exhibit 7)]; (b) *Highland Capital Management, L.P.'s Response to Acis' Motion to Compel Compliance with Subpoena*, and all documents submitted in support thereof [Docket Nos. 93-96]; (c) *Acis' Response in Support of Motion to Compel Compliance*, and all documents submitted in support thereof [Docket No. 98]; (d) counsels' arguments made during a hearing conducted on January 26, 2023 (the "Hearing"); and (e) the Parties' agreement to the terms of this Order (as indicated by counsel's signatures below), the Court:

1. **GRANTS** the Motion only to the following extent and **ORDERS** that (1) the relevant timeframe of the Subpoena is June 1, 2016 to October 15, 2019; (2) Highland must produce documents relevant to HarbourVest to the extent identified using modified search terms previously agreed to between the Parties;¹ and (3) Highland must produce attorney communications and potentially privileged communications contained within the set of pre-petition e-mail documents previously produced in *Kirschner v. Dondero, et. al*, Adv. Pro. No. 21-03076-sgj (Bank. N.D. Tex.) (the "Kirschner Action"), within 30 calendar days of this Order, to the extent identified by search terms previously agreed to between the Parties. Documents produced pursuant to part (3) of this paragraph shall be subject to the limitations set forth in paragraph 13 of the *Agreed Protective Order* in Kirschner Action [Adv. Pro. No. 21-

¹ Counsel for the Parties informed the Court during the Hearing that an agreement was reached on limited search terms concerning "HarbourVest" and that Highland had completed its production of such documents.

03076, Docket No. 202], except that such documents may also be used in this Adversary Proceeding.

2. The Court further **ORDERS** that Highland shall complete the document production required by this Order within 30 calendar days of this Order unless such 30-day period is extended by written agreement of the parties or upon good cause shown.
3. All relief requested in the Motion and not specifically granted in paragraph 1 is **DENIED**.
4. This **ORDER** resolves all issues and requests made in the Motion.

END OF ORDER

ORDER SUBMITTED BY:

/s/ Shawn Bates

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